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5 **UNITED STATES DISTRICT COURT**
6 **DISTRICT OF NEVADA**

7 KENNETH MANNING,

8 *Plaintiff,*

9 vs.

10 STATE OF NEVADA, *et al.*,

11 *Defendants.*
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Case No. 2:13-cv-01491-APG-NJK

14 **ORDER**

15 This prisoner civil rights action comes before the Court following upon the filing of an amended
16 complaint (Dkt. #4) and upon two miscellaneous motions (Dkt. ## 6 & 7) filed by plaintiff.

17 Plaintiff has filed multiple meritless and frivolous actions in this Court. As a result, years ago,
18 in No. 3:06-cv-00421-RCJ-VPC, the Court found plaintiff subject to the “three strikes” provisions of
19 28 U.S.C. § 1915(g). Under § 1915(g), a prisoner who has brought three or more frivolous or meritless
20 actions may not proceed *in forma pauperis*; and he instead must pay the full filing fee in advance,
21 unless he is under imminent danger of serious physical injury.

22 The Court afforded plaintiff an opportunity to file an amended complaint presenting alleged
23 facts tending to establish that he is under imminent danger of serious physical injury. In the amended
24 complaint, plaintiff presents no nonconclusory allegations of actual fact tending to establish that he is
25 under imminent danger of serious physical injury. He instead merely repeats the standard multiple
26 times in formulaic fashion. His allegation that defendants “put . . . inmates in imminent danger of
27 serious physical injury by violating inmates['] equal protection in their religious beliefs [sic] for same
28 sex marriages and having sex with their owe [sic] sex in private” fails to present a nonfrivolous
allegation of imminent danger satisfying § 1915(g). Plaintiff has made similar conclusory and/or

1 frivolous allegations of imminent danger in multiple prior actions. *See, e.g.*, No. 3:06-cv-00561-PMP-
2 RAM. The Court therefore has been called upon to caution plaintiff that if he continues to make
3 frivolous, baseless and/or false allegations of imminent danger, he may be sanctioned. *See, e.g., id.*

4 Further proceedings in this matter would be a waste of limited resources. The allegation of
5 imminent physical injury in this case is conclusory and frivolous. Moreover, plaintiff does not have
6 the funds to pay the full filing fee; and he has not paid the filing fee in substantially similar cases after
7 being afforded an opportunity to do so. *See, e.g.*, No. 2:12-cv-00174-JCM-CWH. Further proceedings
8 herein thus would be futile. Plaintiff simply is continuing an established pattern of seeking to file
9 vexatious and baseless legal proceedings despite having been long declared to be subject to the three-
10 strikes rule of § 1915(g).

11 **IT THEREFORE IS ORDERED** that all pending motions in this matter are DENIED and that
12 this action shall be DISMISSED without prejudice.

13 **IT FURTHER IS ORDERED** that plaintiff shall not use profanity such as in Dkt. #6 in another
14 filing in this Court. If he does so, he will be sanctioned forthwith without further advance notice,
15 potentially including, but not necessarily limited to, a referral to institutional authorities for
16 consideration of possible disciplinary sanctions for major violation MJ48 for violating a court order.

17 The Clerk of Court shall enter final judgment accordingly, dismissing this action without
18 prejudice.

19 DATED: March 5, 2014.

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22 ANDREW P. GORDON
23 United States District Judge
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